



STATE BOARD OF LAND COMMISSIONERS

Dirk Kempthorne, Governor and President of the Board

Ben Ysursa, Secretary of State

Lawrence G. Wasden, Attorney General

Keith L. Johnson, State Controller

Marilyn Howard, Superintendent of Public Instruction

Winston A Wiggins, Secretary to the Board

Summary Minutes Regular Land Board Meeting July 12, 2005

The regular meeting of the Idaho State Board of Land Commissioners was held on Tuesday, July 12, 2005 in Boise, Idaho. The meeting began at 9:00 a.m. in the second floor courtroom of the Borah Post Office Building. The Honorable Dirk Kempthorne presided. The following members were present:

Honorable Secretary of State Ben Ysursa
Honorable Attorney General Lawrence Wasden
Honorable Controller Keith Johnson

Secretary to the Board Winston A Wiggins

Superintendent of Public Instruction Marilyn Howard participated in the meeting via conference call.

Governor Kempthorne left the meeting at 11:32 a.m. Secretary of State Ysursa presided for the remainder of the meeting. Agenda items were moved out of sequence to accommodate Governor Kempthorne's early departure with agenda items 13, 14, 16 and Executive Session being held in Governor Kempthorne's absence.

• CONSENT

Director Wiggins provided background information on the Consent Agenda items.

A motion was made by Attorney General Wasden to approve the Consent Agenda in its entirety. Controller Johnson seconded the motion. The motion carried on a vote of 5-0.

1. Director's Report – *approved*

- A. Interest Rate on Department Transactions – June 2005
- B. Timber Sale Official Transactions – May 27, 2005 through June 24, 2005
- C. Timber Sale Activity Report
- D. Legal Matter Summary
- E. Fire Season Update

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2. Timber Sales – Staffed by Bob Helmer, Chief, Bureau of Forest Management – *approved*

A. Race Tract Pulp	CR-10-0326	1,700	MBF	Bonner
B. Eight Mile	CR-10-0353	4,600	MBF	Bonner
C. North Fork Mica	CR-22-5005	1,560	MBF	Kootenai
D. Long Ear	CR-30-0492	8,035	MBF	Shoshone
E. West Fork Bond Creek	CR-30-0523	4,035	MBF	Benewah
F. Corral Creek	CR-41-0002	3,650	MBF	Latah
G. Swamp Creek OSR	CR-41-0011	2,235	MBF	Clearwater
H. Still Burn Commercial	CR-42-5004	5,280	MBF	Idaho
I. East Mountain	CR-50-0117	3,373	MBF	Valley
J. Hardrock	CR-60-0141	3,890	MBF	Boise

3. Qualified Bidders List – Timber Sales – Staffed by Bob Helmer, Chief, Bureau of Forest Management – *approved*

A. Welco Enterprises, 9163 North Vogt Road, Hauser, Idaho 83854

4. Request to Enter the Process to Revise Rules for the Forest Practices Act, IDAPA 20.02.01 – Staffed by Ron Litz, Assistant Director, Forestry and Fire – *approved*

DEPARTMENT RECOMMENDATION: Direct the Department to enter the Administrative Procedures Act rulemaking process.

BOARD ACTION: Approved.

**5. Request for Approval to Participate as a Member of the:
– Staffed by Ron Litz, Assistant Director, Forestry and Fire – *approved***

A. Clearwater-Potlatch Timber Protective Association

DEPARTMENT RECOMMENDATION: That the State continue to participate as a member of the Clearwater-Potlatch Timber Protective Association.

BOARD ACTION: Approved.

B. Southern Idaho Timber Protective Association

DEPARTMENT RECOMMENDATION: That the State continue to participate as a member of the Southern Idaho Timber Protective Association.

BOARD ACTION: Approved.

6. Approval Request for Disclaimer of Interest to Look Lane, LLC, for Accretion Land Adjacent to the Boise River in Canyon County – Staffed by Perry Whittaker, Chief, Bureau of Real Estate – *approved*

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DEPARTMENT RECOMMENDATION: Direct the Department to issue a disclaimer of interest for one (1) parcel of land totaling 0.60 acres of former bed of the Boise River and to require Look Lane, LLC, to pay a fee of \$600.00 to the Department for this transaction.

BOARD ACTION: Approved.

7. **Approval Request for Disclaimer of Interest to Trappers Development, LLC, for Accretion Land Adjacent to the Boise River in Ada County – Staffed by Perry Whittaker, Chief, Bureau of Real Estate – *approved***

DEPARTMENT RECOMMENDATION: Direct the Department to issue a disclaimer of interest for one (1) parcel of land totaling 9.42 acres of former bed of the Boise River and to require Trapper's Development, LLC, to pay a fee of \$600.00 to the Department for this transaction.

BOARD ACTION: Approved.

8. **Request for Approval to Surplus Property Owned by the Department of Fish and Game to the Idaho Transportation Department in Kootenai County – Staffed by Perry Whittaker, Chief, Bureau of Real Estate – *approved***

DEPARTMENT RECOMMENDATION: Direct the Department to coordinate transfer of this 0.827 acre surplus property from Idaho Department of Fish and Game to the Idaho Department of Transportation.

BOARD ACTION: Approved.

9. **Idaho Transportation Department Request to Clear Property Title – Staffed by Perry Whittaker, Chief, Bureau of Real Estate – *approved***

DEPARTMENT RECOMMENDATION: Direct the Department to issue a quit claim deed to transfer any jurisdiction and control of the Idaho Department of Transportation headquarters property on State Street held by the State of Idaho to the State of Idaho by and through the Transportation Board.

BOARD ACTION: Approved.

10. Minutes – *approved*

A. Regular Land Board Meeting – June 21, 2005

• **REGULAR**

11. **Idaho State Fire Plan Working Group – Presented by Peggy Polichio, National Fire Plan Coordinator, IDL**

No action taken on this agenda item.

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12. Proposed Perpetual Conservation Easement – *Presented by Ron Litz, Assistant Director, Forestry and Fire*

DEPARTMENT RECOMMENDATION: That the Board accept the Nokes Conservation Easement.

BOARD ACTION: A motion was made by Secretary of State Ysursa to accept the Department's recommendation. Attorney General Wasden seconded the motion. The motion carried on a vote of 5-0.

13. Endowment Fund Investment Board Report – *Presented by Richelle Sugiyama, Interim Investment Manager, EFIB*

No action taken on this agenda item.

14. Request for Final Approval to Sell Mountain Home 40 – *Presented by Denise Mills, Assistant Director, Lands, Minerals, Range*

DEPARTMENT RECOMMENDATION: Direct the Department to advertise and sell the forty-acre parcel, without reservation of minerals, at public auction based on a minimum bid of \$60,000 to deposit the proceeds in the Land Bank for future acquisition of real property for the Hospital South Endowment.

BOARD ACTION: A motion was made by Attorney General Wasden to accept the Department's recommendation. Controller Johnson seconded the motion. The motion carried on a vote of 4-0, with Governor Kempthorne being absent for this vote.

15. Adoption of Temporary Rules to Implement Senate Bill 1169 (Amendments to Surface Mining Act) – *Presented by Denise Mills, Assistant Director, Lands, Minerals, Range*

DEPARTMENT RECOMMENDATION: Adopt the proposed temporary rules with an effective date of July 13, 2005 and direct IDL to publish the rules in the Administrative Bulletin as soon as reasonably possible.

BOARD ACTION: A motion was made by Attorney General Wasden to adopt the temporary rules as proposed by the Department. Superintendent Howard seconded the motion. The motion carried on a vote of 5-0.

• **INFORMATION**

Director Wiggins briefed the Board on the Information Agenda item. No Land Board action is required on the Information Agenda.

16. Land Exchange Status Report – *Staffed by Perry Whittaker, Chief, Bureau of Real Estate*

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A motion was made by Controller Johnson to resolve into Executive Session. Attorney General Wasden seconded the motion. The motion carried on a vote of 4-0, with Governor Kempthorne being absent for this vote.

- **EXECUTIVE SESSION**

- A. To Consider Records that are Exempt from Disclosure [[Idaho Code § 67-2345\(1\)\(d\)](#)]
- B. To Consider and Advise Its Legal Representatives in Pending Litigation or Where There is a General Public Awareness of Probable Litigation [[Idaho Code § 67-2345\(1\)\(f\)](#)]
- C. To Consider Personnel Matters [[Idaho Code § 67-2345\(1\)\(b\)](#)]
- D. To Consider Acquiring an Interest in Real Property Which is Not Owned by a Public Agency [[Idaho Code § 67-2345\(1\)\(c\)](#)]

Upon unanimous consent, the Board resolved into Regular Session at 12:00 p.m.

ITEM NOT ON AGENDA

Controller Johnson stated that he and Attorney General Wasden were tasked to lead a subcommittee on compensation for the Director of the Department of Lands. Controller Johnson moved that the Board continue with the subcommittee's efforts and begin the process of working with an outside consultant to perform a management study covering three basic items: compensation of the Director, evaluation and parameters of the Director's duties as related to the Board, and any management issues that may need to be addressed. Attorney General Wasden seconded the motion. The motion carried on a vote of 4-0, with Governor Kempthorne being absent for this vote.

There being no further business to come before the Board, the meeting adjourned at 12:01 p.m.